

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOHN INMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:05-cv-0925-JFG-TMP
)	
STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Defendants.)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, John Inman, has filed a *pro se* complaint in this court pursuant to 42 U.S.C. § 1983. He is an Alabama prison inmate incarcerated at the Frank Lee Youth Center in Deatsville, Alabama, which is located in the Middle District of Alabama. Plaintiff names as defendants the State of Alabama; the Alabama Department of Corrections; Prison Health Systems and Officer James Caton, Jr. His complaint is based upon events that occurred at or near the Draper Correctional Facility which is also located in the Middle District.


It therefore appears from the complaint filed by plaintiff that venue is not proper in the Northern District of Alabama. A civil rights action may be brought only in the judicial district (1) where at least one of the defendants resides or (2) where "a substantial part of the events or omissions giving rise to the claim occurred." 28 U.S.C. § 1391(b). *See Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd*, 480 F.2d 805 (5th Cir. 1973); *Daugherty v. Proconier*, 456 F.2d 97 (9th Cir. 1972). There does not appear to be a defendant who resides in the Northern District of Alabama. In addition, the actions of which plaintiff complains did not occur in the Northern District

of Alabama, and appear to have occurred in the Middle District of Alabama. Accordingly, in the interest of justice, this action is due to be transferred to the United States District Court for Middle District of Alabama. 28 U.S.C. § 1404(a).

For the foregoing reasons, the magistrate judge recommends that this action be transferred to the United States District Court for the Middle District of Alabama.

Any party may file specific written objections to this report within fifteen (15) days of the date it is filed. Failure to file written objections to the proposed findings and recommendations contained in this report within fifteen (15) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

DONE this the 5th day of May, 2005.



T. MICHAEL PUTNAM
U.S. MAGISTRATE JUDGE